IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.
REVIEW PETITION (ST.) NO.8590 OF 2006.
IN
WRIT PETITION NO. 927 OF 2006.

M/s Sandesh Agency ... Petitioner.
V/s.
Shri Champalal D. Gandhi & ors. ... Respondent.

Shri R.N. Sanghvi for the petitioner.

CORAM : V.C.DAGA, J.

DATED : 12.4.2006.

P.C. :

. The review petitioner has invoked review jurisidction of this Court seeking review of the order dated 9.3.2006, whereby the writ petition came to be dismissed in limine, holding that the view taken by the Court below was reasonable and possible view.

2. Contention sought to be raised in the review petition is that the Counsel for the petitioner was not heard and, therefore, he prayed for hearing on merits. Considering the prayer made and explanation furnished, I thought it fit to hear the review petitioner on merits.

. Heard.

Perused review petition.

3. Having heard learned Counsel for the review

petitioner, it is not in dispute that the earlier order dated 21.7.2005 passed by the Civil Judge, SD, Pune, granting conditional leave to defend the suit subject to depositing Rs. 2,35,931.39 was set aside by the learned Single Judge of this Court (S.A. Bobde,J.) vide order dated 25.10.2005, observing that the decision of the Supreme Court in the case of Sunil Enterprises vs. SBI Commercial & International Bank Ltd. (1998) 5 SCC 354 was not taken into consideration while passing the order.

4. After remand, the matter was heard afresh by the Civil Judge, SD, who was pleased to grant leave to defend without pre-deposit.

5. Learned Counsel for the review petitioner took me through the impugned order and tried to contend that no such leave could not have been granted without directing pre-deposit.

6. Having seen the impugned order, it is not in dispute that triable issues do arise from the defence taken. During the course of hearing learned Counsel for the review petitioner also brought to my notice that with the intervention of a common friend, some compromise proposal has been accepted. In this view of the matter, I do not see any reason to review my order dated 9.3.2006. No case is made out for grant of review.

7. In the result, Review petition is rejected with no order as to costs.

(V.C.DAGA,J.)